

**DISTRICT JUDGE'S CIVIL MINUTES
IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA – PHOENIX**

U.S. District Judge: Susan R. Bolton

Date: April 26, 2022

Case Number: CV-19-05217-PHX-SRB

C.M., et al v. United States of America

<p>APPEARANCES: <u>Lucy McMillan, Diana Reiter, Mark Feldman, Emily Reeder- Ricchetti, Kaitlyn Schaeffer, BriAnne Nichole Illich Meeds, Jonathan Howard Feinberg and Erik Walsh (all counsel appearing by Zoom)</u> Plaintiff(s) Counsel</p>	<p>Philip Davis MacWilliams, Irina Maya Majumdar and Walter Edward Parker, IV (all counsel appearing by Zoom) Defense counsel</p>
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DISCOVERY DISPUTE HEARING

This is the time set for Discovery Dispute Hearing held at the request of Plaintiffs' and Defense counsel. Plaintiffs' counsel in the C.M. case (CV 19-05217-PHX-SRB) addresses the Court regarding Defendants' deliberative process privilege assertions. Plaintiffs' counsel in the C.M. case have requested Defendants review certain deliberative process privilege assertions and redactions in connection with their productions from DHS and its agencies in light of the Court's February 24, 2022 Order on Plaintiffs' Motion to Compel. Discussion held. The Court directs Defense counsel to take a second look at the 5,700 documents to determine whether or not its privilege log is still consistent with the Court's rulings in its February 24 Order, whether some documents need to be produced in light of that Order and whether or not the privilege log should be amended to be clearer about the basis for the claim of privilege.

IT IS ORDERED permitting Plaintiffs' counsel in the C.M. case to file a Motion to Compel requesting an *in camera* review of the 24 documents as discussed on the record.

Regarding the depositions of James De La Cruz and Elizabeth Strange, those depositions may proceed but the Court declines to categorize those depositions as falling within the numerical limitation for policy or individual plaintiffs' depositions at this time.

Regarding Plaintiff-specific depositions, if a deposition is noticed in the C.M. case and Plaintiffs' counsel in the A.P.F. case (CV 20-00065-PHX-SRB) do not attend the deposition that deposition will not be counted against the number of depositions permitted in the A.P.F. case. The same applies to 30(b)(6) depositions that the A.P.F. Plaintiffs' counsel will notice.

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Regarding Plaintiffs' counsel's request in the C.M. case to depose Matthew Albence and Chad Wolf, those policy depositions may proceed. These witnesses are not being deposed as agency heads but as to actions they took or policies that were being implemented when they held their positions of Executive Associate Director of Enforcement and Removal Operations for Immigration and Customs Enforcement and Chief of Staff to the Secretary of Homeland Security respectively.

Deputy Clerk: Maureen Williams

Court Reporter: Teri Veres

Start: 12:51 PM

Stop: 1:33 PM